

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DAVID W. LINDER,

Plaintiffs,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,

Defendant.

Case No. 2:10-cv-01216-KJD-PAL

ORDER

(IFP App - Dkt. #7)

This matter is before the court on Plaintiffs' Application to Proceed *In Forma Pauperis* (Dkt. #7) filed on October 12, 2010. Previously, Plaintiff filed an Application (Dkt. #5) on an outdated version of the application currently used by the court. That Application also failed to state the amount of his take-home wages and failed to include a financial certificate signed by an authorized official at USP Terre Haute. In an Order (Dkt. #6) entered September 28, 2010, the court denied Plaintiff's Application (Dkt. #5) without prejudice and directed him to refile a completed version. Plaintiff has complied.

Plaintiff must pay an initial partial filing fee of the greater of twenty percent of the average monthly deposits or twenty percent of the average monthly balance of his account for the six months immediately preceding the commencement of this action. *See* 28 U.S.C. § 1915(b)(1). Plaintiff average monthly balance is \$19.18, and his average monthly deposit is \$85.69. Therefore, the Court finds that Plaintiff must pay an initial partial filing fee of \$17.13.

Accordingly,

///

///

IT IS ORDERED:

1. Plaintiff's Application to Proceed *in Forma Pauperis* (Dkt. #7) without having to prepay the full filing fee is **GRANTED**. However, Plaintiff shall be required to pay an initial installment fee in the amount of \$17.13 toward the full filing fee of three hundred fifty dollars. Plaintiff shall have until **November 22, 2010**, to have the designated fee sent to the Clerk of the Court. Failure to do so may result in dismissal of this action. Furthermore, even if this action is dismissed, the full filing fee must still be paid pursuant to 28 U.S.C. § 1915(b)(2).
2. Plaintiff is permitted to maintain this action to conclusion without the necessity of prepayment of any additional fees or costs or the giving of security therefor. This Order granting *in forma pauperis* status shall not extend to the issuance of subpoenas at government expense.
3. The Clerk of the Court shall provide Plaintiff with two copies of this Order. Plaintiff is ordered to make the necessary arrangements to have one copy of this Order attached to the check in the amount of the designated fee.
4. Pursuant to 28 U.S.C. § 1915(b)(2), USP Terra Haute shall pay to the Clerk of the United States District Court, District of Nevada, twenty percent preceding month's deposits to Plaintiff's account (in the months that the account exceeds \$10.00) until the full \$350 filing fee has been paid for this action. The Clerk of the Court shall send a copy of this Order to the Finance Division of the Clerk's Office. The Clerk shall also send a copy of this Order to the attention of the inmate accounts department at USP Terre Haute, U.S. Penitentiary, 4700 Bureau Rd. South, Terre Haute, IN 47802.

Dated this 25th day of October, 2010.


PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE